

Thomas-Jensen Affirmation

Exhibit # 57

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STATE OF NEW YORK; et al.,

Plaintiffs,

v.

DONALD TRUMP, in his official capacity as
President of the United States; et al.,

Defendants.

C.A. No. 1:25-cv-00039-JJM-PAS

DECLARATION OF DENISE BARTON

I, Denise Barton, declare as follows:

1. I am a resident of the Commonwealth of Massachusetts. I am over the age of 18 and have personal knowledge of all the facts stated herein, except to those matters stated upon information and belief; as to those matters, I believe them to be true. I have been an attorney since 1994 and am licensed to practice in the Commonwealth of Massachusetts. If called as a witness, I could and would testify competently to the matters set forth below.

2. I am currently employed by the University of Massachusetts, in its Office of the General Counsel, as its Chief Deputy General Counsel.

3. The University of Massachusetts includes its five campuses (the University of Massachusetts Amherst, the University of Massachusetts Boston, the University of Massachusetts Chan Medical School, the University of Massachusetts Dartmouth, and the University of Massachusetts Lowell), as well as the University of Massachusetts Office of the President. See M.G.L. ch. 75. The University of Massachusetts, Office of the President,

Department of Administration and Finance maintains and/or has access to the business records of the University of Massachusetts in the ordinary course of University of Massachusetts business. Those business records include, but are not limited to, records concerning federal funding received by the University of Massachusetts. That information is referenced in the University of Massachusetts' Memorandum to Commonwealth of Massachusetts Comptroller, prepared by the University of Massachusetts, Department of Administration and Finance ("UMass Memo"), January 31, 2025. Exhibit A, attached.

4. The University of Massachusetts educates the workforce of the future in the Commonwealth of Massachusetts and plays a unique role in fueling the innovation economy that has helped Massachusetts thrive in difficult economic times. Ex. A. Scientific research at the University of Massachusetts has led to important innovations and discoveries that expand knowledge and are the bedrock of new industries and businesses that create jobs and boost our economy. Id. Any disruption to sources that fund these efforts will have negative impacts on scientific research and innovation. Id. Additionally, federal financial aid for our students is a vital source of funding for our students to be able to have the opportunity to attend higher education and receive the necessary education to improve their skills and knowledge to enter today's workforce. Id. University of Massachusetts' students are critical to our economy, as approximately 80 percent of our graduating students stay in Massachusetts to work and live. Id.

5. As set forth in the UMass Memo, the anticipated expenditures from federal awards in FY25 total approximately \$961 million, including approximately \$416 million in federal student aid. Ex. A. Of the total anticipated expenditures, \$597 million

has been spent to date including approximately \$280 million in student aid. Id. Throughout the course of the fiscal year, some of these expenditures support the approximately 2,000 full time employee whose salaries are funded by restricted funding which includes, but is not limited to, federal grants. Id.

6. As reflected in the UMass Memo (Ex. A), at this time it appears that a federal funding pause could impact the University of Massachusetts in at least the following ways:

- a. New grants will have delayed awards;
 - b. Potential inability to draw down funds through the federal payment management system;
 - c. Submission of new grants could likely be submitted but will sit in pending status in system;
 - d. Federal grants / contracts underway may not have invoices paid;
 - e. Final Financial Reports submitted will sit in pending status, preventing any carryforward of funds to future periods;
 - f. Delays in student financial aid from federal sources; and/or
 - g. Financial and other impacts to consulting contracts with federal agencies.
7. In the event of a federal funding pause, the University of Massachusetts would need to utilize existing operating funds currently programmed to other areas of the budget, cash reserves, or the University of Massachusetts's line of credit to fund costs while Federal awards are pending. Ex. A. Depending on the length of time until federal funding is restored, the use of these funds could become a concern quickly. Id. Additionally, there could also be delays in processing new student requests for federal financial aid. Id. The University of Massachusetts is evaluating the funds available and the length of time they would be available for use before programming would need to stop. Id. Contingencies in place for a

federal funding pause are limited other than to use other operating funds, cash reserves, or the line of credit on a contingency basis. Id. A significant concern is the length of the time until, and whether, federal funding is restored as the University of Massachusetts' contingency resources are limited. Id.

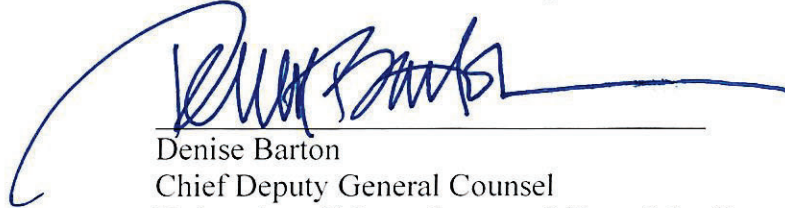
8. The University of Massachusetts' concern is, in part, predicated on notifications indicating that funding is or will again be delayed or denied, examples of which include:
 - a. On February 4, 2025, at 5:14 p.m., the University of Massachusetts Boston received correspondence from the Johns Hopkins University to "immediately suspend work" related to certain U.S. Department of Health and Human Services, Centers for Disease Control and Prevention ("CDC") funded programs, which included two notices from the CDC that all grant subrecipients, of which the University of Massachusetts Boston is one, were prohibited from incurring any further costs that would support, among other of its programs, any DEI programs, personnel, or activities and "must immediately terminate, to the maximum extent, all programs, personnel, activities, or contracts promoting, 'diversity, equity, and inclusion' (DEI) at every level and activity . . .". Exhibit B, attached.
 - b. On February 4, 2025, at 4:00 p.m., the University of Massachusetts Boston was informed via an email from the Institute of International Education ("IIE") that IIE had been instructed by USAID to immediately stop work on the Lincoln Scholarship Program and, as yet, it had received no firm timeline for future guidance from USAID. Exhibit C, attached. Consequently, IIE did not provide funding relied upon to pay for tuition and fees incurred by at least one international University of Massachusetts

Boston student. In that same email, IIE inquired as to whether the University of

Massachusetts Boston could, instead, expend its own resources on those payments. Id.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 5, 2025, at Westborough, Massachusetts.



Denise Barton
Chief Deputy General Counsel
University of Massachusetts, Office of the General Counsel
50 Washington Street
Westborough, MA 01581

EXHIBIT A



University of Massachusetts

Amherst • Boston • Dartmouth • Lowell • Medical • Law

Office of the President
One Beacon Street, 31st Floor
Boston, Massachusetts 02108

Phone: 617-287-7050
Fax: 617-287-7167
www.massachusetts.edu

To: Thomas Smith-Vaughan; Christopher Marino
From: LeeAnn Pasquini
CC: Amelia Marceau, Lisa Calise, Joseph Skrzek
Subject: Potential Impacts of Federal Funding Pause
Date: January 31, 2025

Purpose:

The purpose of this memorandum is to provide an overview of the potential impacts of a federal funding pause. Please note, we are working with campuses to understand any direct communications from federal agencies. This memo is not based on guidance received but rather potential impacts.

Background:

The University of Massachusetts educates the workforce of the future in the Commonwealth of Massachusetts and plays a unique role in fueling the Innovation Economy that has helped Massachusetts thrive in difficult economic times. Scientific research at the University of Massachusetts has led to the amazing innovations and discoveries that expand knowledge and are the bedrock of new industries and businesses that create jobs and boost our economy. Any disruption to sources that fund these efforts will have certain impacts on scientific research and innovation.

Additionally, federal financial aid for our students is a vital source of funding for our students to be able to have the opportunity to attend higher education and receive the necessary education to improve their skills and knowledge to enter today's workforce. Our students are critical to our economy as approximately 80 percent of our graduating students stay in Massachusetts to work and live.

The anticipated expenditures from federal awards in FY25 total approximately \$961 million, including approximately \$416 million in federal student aid. Of the total anticipated expenditures, \$597 million has been spent to date including approximately \$280 million in student aid. Throughout the course of the fiscal year, some of these expenditures support the approximately 2,000 employee FTEs whose salaries are funded by restricted funding, which includes but is not limited to federal grants. More analysis would be needed to determine the number of FTEs funded just with federal grants. To date, some of the awards

have been granted while others are estimated based on opportunities identified by researchers. However, a federal funding pause could impact the University in the following ways:

- New grants will have delayed awards
- Potential inability to draw down funds through the federal payment management system
- Submission of new grants could likely be submitted but will sit in pending status in system
- Federal grants / contracts underway may not have invoices paid
- Final Financial Reports submitted will sit in pending status, preventing any carryforward of funds to future periods
- Delays in student financial aid from federal sources
- Impacts to *forHealth* Consulting contracts with federal agencies

In the event of a federal funding pause, the University would need to utilize existing operating funds currently programmed to other areas of the budget, cash reserves, or the University's line of credit to fund costs while Federal awards are pending. Depending on the length of time until federal funding is restored, the use of these funds could become a concern quickly. Additionally, there could also be delays in processing new student requests for federal financial aid.

The University is evaluating the funds available and the length of time they would be available for use before programming would need to stop. Contingencies in place for a federal funding pause are limited other than to use other operating funds, cash reserves, or the line of credit on a contingency basis. The main concern is the length of the time until federal funding is restored as the contingency resources are limited.

Generally, it is difficult to know the exact impact at a program level until we receive further guidance from each of the federal agencies, however the University will continue to monitor our various sources in the event of a federal funding pause occurring. If the federal dollars are not available, the associated work may be required to stop. The factors that will determine the University's course of action include the length of time until federal funding is restored, as well as the timing of a federal funding pause as grant work increases at various points in the year.

EXHIBIT B

From: [Barton, Denise](#)
To: [Barton, Denise](#)
Subject: EXHIBIT TO DECLARATION FW: UMass Impact / FEDERAL - CDC NOTICE TO IMMEDIATELY SUSPEND WORK / Subrecipients and Implementing Partners on CDC-funded programs
Date: Wednesday, February 5, 2025 2:46:23 PM
Attachments: [CDC Notice to Subawards 2.4.2025.pdf](#)
[CDC Directive DEI 1.29.2025.pdf](#)
[CDC Directive Gender Ideology.pdf](#)

Denise Barton
Chief Deputy General Counsel
University of Massachusetts
50 Washington Street
Westborough, Massachusetts 01581

Notice: This is a communication from the University of Massachusetts Office of the General Counsel. If you are not the intended recipient or believe you have received this email in error, please delete this email and notify the sender.

From: Barton, Denise <DBarton@umassp.edu>
Sent: Wednesday, February 5, 2025 12:13 PM
To: Barton, Denise <DBarton@umassp.edu>
Subject: UMass Impact / FEDERAL - CDC NOTICE TO IMMEDIATELY SUSPEND WORK / Subrecipients and Implementing Partners on CDC-funded programs

From: Martin Domack <mdomack1@jhu.edu>
Sent: Tuesday, February 4, 2025 5:14 PM
To: Martin Domack <mdomack1@jhu.edu>
Subject: **URGENT** / FEDERAL - CDC NOTICE TO IMMEDIATELY SUSPEND WORK / Subrecipients and Implementing Partners on CDC-funded programs

Greetings,

Please find the attached notice to immediately suspend work. If you experience any difficulties opening the documents, please let me know. The Johns Hopkins University will communicate updates from the federal agency as we receive them. We appreciate your continued partnership and cooperation.

Please confirm receipt of this notice by replying to this email. Thank you.

Regards,

Martin Domack

Contracts Associate - Subawards

Johns Hopkins University Research Administration

1101 E. 33rd St, Suite C310

Baltimore, MD 21218-2681

667.208.8781

mdomack1@jhu.edu

<https://research.jhu.edu/jhura/>

February 4, 2025

To: Subrecipients

From: The Johns Hopkins University

Re: Notice on Implementation of Executive Orders

NOTICE TO IMMEDIATELY SUSPEND WORK

The Johns Hopkins University (JHU) has received notice pursuant to the above referenced Centers for Disease Control and Prevention Notice on Implementation of Executive Orders ("CDC Directive" attached to this communication) that all CDC-funded all activities promoting diversity, equity, and inclusion ("DEI") and related to promoting or inculcating gender ideology under the CDC-funded subaward or subcontract must be suspended immediately as of the date of this notice. Therefore, we advise you to immediately suspend all DEI- or gender ideology-related activities.

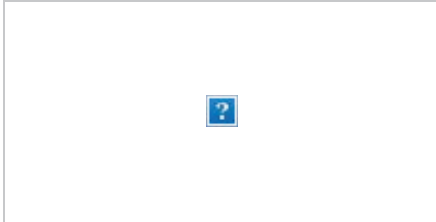
No additional costs must be incurred that would be used to support any DEI programs, personnel, or activities. No additional costs must be incurred that would be used to support any gender ideology programs, personnel, or activities.

JHU will communicate updates from CDC as we receive them. We appreciate your continued partnership and your cooperation.

Please confirm receipt of this notice.

EXHIBIT C

From: [Barton, Denise](#)
To: [Barton, Denise](#)
Subject: EXHIBIT FOR DECLARATION RE UMass Impact FW: IIE Request for Lincoln Scholarship Program during Foreign Aid Pause
Date: Wednesday, February 5, 2025 2:58:57 PM
Attachments: [image001.jpg](#)



From: <@umb.edu>
Date: February 4, 2025 at 11:04:05 PM EST
To: <@umb.edu>
Subject: Fw: IIE Request for Lincoln Scholarship Program during Foreign Aid Pause

I received this message from IIE today about *[redacted student name]*, a student in our MA in conflict resolution graduate program whose scholarship is USAID funds and who is thus currently affected by the USAID freeze from the federal government and the new administration.

They are asking about what flexibility UMB can offer on tuition payments and/or potential resources to ensure that this student can complete her studies in case the freeze extends or is escalated (*[they are in their]* last semester and on track to complete *[their]* MA at the end of this semester).

Can you give any guidance on what can be done, how to respond, etc.? I received the message, because I am *[redacted student's name]*'s academic advisor, but I have also cc'ed the GPD of the conflict resolution program, and our department chair. I'm keeping the bursar's office cc'ed and in the loop because she was copied on the initial e-mail from IIE as well.

Thanks,

McCormack School of Policy & Global Studies, University of Massachusetts, Boston

From: Combe, Hannah <HCombe@iie.org>

Sent: Tuesday, February 4, 2025 4:00 PM

To: <@umb.edu>;

Cc: Wahib, Youssie <YWahib@iie.org>

Subject: IIE Request for Lincoln Scholarship Program during Foreign Aid Pause

Some people who received this message don't often get email from hcombe@iie.org. [Learn why this is important](#)

CAUTION: EXTERNAL SENDER

Dear,

As you may have read, the U.S. Government released an executive order requiring a pause in all foreign development assistance, pending the administration's review.

Following that announcement, IIE received communication from USAID to immediately stop work on the Lincoln Scholarship Program and indicated IIE would be receiving further guidance from USAID without providing a firm timeline. IIE has been diligently working to understand the scope and next steps related to the executive order.

During this period, we are aware that there are Spring 2025 tuition and required fees costs for *[redacted student name]* owed. IIE is concerned for the scholar's well-being given these unprecedented circumstances and are hopeful that UMass Boston can assist in order to enable the scholars to complete their programs and remain in good standing vis a vis their immigration status. I am writing to make two inquiries:

1. IIE requests a temporary delay in invoicing IIE while we are analyzing the situation and awaiting further guidance from USAID without putting a hold on the scholar(s) student accounts.
2. Should the project be terminated, IIE would like to inquire what resources, if any, your university may be able to provide to scholars to ensure that they are able to continue their programs at your university.

Please respond and let me know what the last possible date is by which these invoices can be paid by IIE to ensure that the scholar(s) will retain their

enrollment status, access to health insurance, and all other benefits and university-provided services related to invoice payment, as well as what resources may be available for point #2.

I suggest that we arrange a call to discuss further, please let me know and we can arrange a meeting at your earliest convenience.

We greatly appreciate any consideration you can give to this request.

All best,
Hannah

Hannah Combe (She/her/hers)

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IIE • *The Power of International Education*